

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

AUSTIN LEE SIEBER

PLAINTIFF

V.

1:14CV00055 KGB/JTR

JASON BENTON, Corporal,
Independence County Detention Center

DEFENDANT

RECOMMENDED DISPOSITION

The following Recommended Disposition (“Recommendation”) has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of the entry of this Recommendation. The failure to timely file objections may result in waiver of the right to appeal questions of fact.

I. Discussion

Plaintiff, who is no longer in custody, has not complied with the January 26, 2016 and February 26, 2016 Orders directing him to file a Response to Defendant's Motion for Summary Judgment. *Docs. 47 & 52*. Importantly, the Court advised Plaintiff that his case would be dismissed, without prejudice, if he failed to timely do

so. *Id.* (citing Local Rule 5.5(c)(2)). Nevertheless, Plaintiff has not filed his Response, and the time for doing so has expired.

II. Conclusion

IT IS THEREFORE RECOMMENDED THAT:

1. This case be DISMISSED, WITHOUT PREJUDICE, pursuant to Local Rule 5.5(c)(2).
2. Defendant's Motion for Summary Judgment (*Doc. 44*) be DENIED, AS MOOT.
3. The Court CERTIFY, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from an Order adopting this Recommendation would not be taken in good faith.

Dated this 19th day of April, 2016.


UNITED STATES MAGISTRATE JUDGE